

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DUDLEY HARRIS,

Plaintiff,

vs

9:08-CV-271

SUPT. CORCORAN; MAHER, Deputy Supt. of
Sec.; MR. ROCKER, Captain; LT. MAUHIR; LT.
SIGNOR; EMERSON, Sergeant; K. STEVENSON,
F.O.I.L. Officer; MR. BUTLER, CORP, MR.
PETERS, DeNOTO, MR. MOORE, LUZIANI,
and MR. BROWN, Each Correctional Officers;
R. CHAPIN, Captain, SGT. APPLEBY, T.
NAPOLI, Grievance Supervisor, B. RAWLEIGH,
Facility Maintenance, DAVID BABIARZ, Facility
Parole Officer, HOLLENBECK, Correctional
Counselor, JOHN BLAKE, Correctional Officer,
Each of Cayuga Correctional Facility; JAMES
LOVELACE, and Senior Investigator; C. RAMSAY,
Correctional Officer, Cayuga Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

DUDLEY HARRIS
Plaintiff, Pro Se
99-B-1293
Cayuga Correctional Facility
PO Box 1186
Moravia, New York 13118

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Dudley Harris, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated October 17, 2008, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that Claims # 7, 11-12, and 17 be dismissed for failure to state a cognizable constitutional claim under § 1983; that defendants Fischer, A. Costillo, Saville, and DOCS be dismissed; and that should the district court adopt the report recommendation, the amended complaint be served on the remaining parties to this action. The plaintiff has filed timely objections to the report-recommendation.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

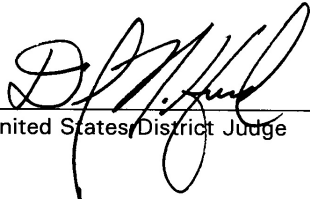
ORDERED that

1. Claims No. 7, 11-12, and 17 are DISMISSED;
2. Defendants Fischer, A. Costillo, Saville, and DOCS are DISMISSED;
3. The Clerk is directed to make the necessary changes on the docket to reflect the dismissal of the above defendants; and

3. The Amended Complaint may be served on the remaining parties and the action may go forward.

IT IS SO ORDERED.

Dated: November 24, 2008
Utica, New York.


United States District Judge